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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,905	04/14/2004	Matthew R. Darr	BUS-026977 (16463-439)	6105

7590
John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

EXAMINER
BROUSSARD, COREY M

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,905

Applicant(s)

DARR ET AL.

Examiner

Corey M. Broussard

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution and with 37 CFR 1.75 (f) which requires the claims to be numbered consecutively in Arabic numerals. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 20 is missing from the originally filed claims. Accordingly, misnumbered claims 21-30 have been renumbered 20-29. A copy of the corrected renumbered claims is attached.

Prosecution on the merits follows using originally numbered claims 1-19 and renumbered claims 20-29.

2. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. Claim 19 recites a relationship of the extension member to the secondary fuse link and combustible substance already recited in the parent claim 12.

3. Claims 8 and 10 are objected to because of the following informalities: Claims recite the limitation "said flexible backing layer". There is insufficient antecedent basis for this limitation in the claim or parent claim. . Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities: The patent number disclosed under Cross Reference to Related Applications does not refer to 6,566,996 Douglass et al. but to 6,556,996 Kovarik et al. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relation of the extension member to the structure claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5, 6, 9, 10-12, 15, 17-19, 20, 22, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN 809,978) in view of Darr et al. (PN 6,373,370). With respect to claim 1, Ogle teaches a fuse state indicator for a cylindrical fuse body (2) with a primary fuse element (4), the indicator comprising: a window (12), a combustible substance (9) adjacent to the window, a secondary fuse link (5, 7) adjacent to combustible substance, and a curved backing layer (portion of 2 forming bottom surface of recess 8) adjacent to said secondary fuse link and at least partially concealed by said combustible substance when viewed through the window before the fuse has opened, said backing layer maintaining said secondary fuse link in position with respect to said combustible substance (see Fig 3, 4). Ogle fails to disclose a transparent lens or an extension member. Darr teaches a fuse state indicator comprising of an extension member (42), a transparent lens (40). It would have been obvious to a person of ordinary skill in the art to use the extension member and lens of Darr with the combustible type fuse state indicator of Ogle for better viewing of the fuse state, and an extension member to connect and support the indicator.
9. With respect to claim 5, Darr suggests that the fuse state indicator (12) disclosed could be used in other types of fuses, such as cylindrical cartridge fuses (column 1 lines 47-48, and column 2 lines 17-19, and 26-29). It would have been obvious to a person of ordinary skill in the art at the time of the invention to curve and elongate the extension member for the benefit of a better integration in the cylindrical body fuse of Ogle.

10. With respect to claim 6, Darr teaches a secondary fuse link (58) comprising of a high resistance portion (70) and a low resistance portion (66). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the secondary fuse link of Darr with the fuse of Ogle for the benefit of a secondary fuse link having a high resistance portion for maximizing the current in the area visible by the lens, therefore insuring that the burn/break will be visible through the lens.

11. With respect to claim 9, Darr teaches a flexible backing layer (46, column 3 lines 58-60 teach that the backing layer can be made from "thermoplastics, fiber board, or other materials known in the art", any of which can be flexible). It would have been obvious at the time of the invention to a person of ordinary skill in the art to use a flexible backing layer in the fuse of Ogle for the benefit of a backing layer that easily fits a curved surface, in view of the teachings of Darr.

12. With respect to claim 12, Ogle teaches a tubular fuse body (2) having a first and second end (see Fig. 1), an aperture for fuse state identification (12), first and second end caps (3) coupled to said body, and a primary fuse element (4) electrically connected between said first and second end caps (see Fig. 3); and a fuse indicator comprising a secondary fuse link (5, 7) electrically connected between said first and second end caps (see Fig. 3), a combustible substance (9) adjacent to said secondary fuse link, and a backing layer (portion of 2 forming bottom surface of recess 8) maintaining said secondary fuse link in position with respect to said combustible substance. Ogle fails to disclose a flexible backing layer coupled to an extension member. Darr teaches a fuse indicator assembly comprising a flexible backing layer

(46, column 3 lines 58-60 teach that the backing layer can be made from "thermoplastics, fiber board, or other materials known in the art", any of which can be flexible) and an extension member (42), where said extension member is coupled to said backing layer maintaining said secondary fuse link in position (see Fig. 2). It would have been obvious to a person of ordinary skill in the art at the time of the invention combine the flexible backing layer and extension member of Darr in the fuse state indicator of Ogle in order to provide an indicator structure more easily adaptable to multiple fuse shapes and sizes.

13. With respect to claim 15, Ogle teaches an aperture (12) where combustible substance (9) is positioned adjacent to said aperture and visible through said aperture. Ogle fails to disclose a transparent lens within the aperture. Darr teaches a transparent lens (40) located within an aperture (hole for lens 40 and cavity 50) for fuse state identification. It would have been obvious at the time of the invention to one skilled in the art to combine the lens viewing aperture of Darr with the fuse state indicator of Ogle as modified by Darr above for the benefit of magnified fuse state indicator.
14. With respect to claim 19, Ogle teaches an aperture (12) where secondary fuse link (5, 7) is positioned adjacent to combustible substance (9). Ogle fails to disclose an extension member configured to position said secondary fuse link. Darr teaches an extension member (42) configured to position the secondary fuse link (58) adjacent to the viewing aperture (hole for lens 40 and cavity 50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the combustible type fuse state indicator of Ogle with the extension member of the fuse state indicator of

Darr to obtain a fuse state indicator with a combustible substance better indicating the fuse state and an indicator structure easily adaptable to multiple fuse shapes and sizes.

15. With respect to claim 20, Ogle teaches of a secondary fuse link (5, 7) located proximate a combustible substance (9) within aperture (12). Ogle fails to disclose a high or low resistance portion. Darr teaches a secondary fuse link (58) comprising of a high resistance portion (70) and a low resistance portion (66), said high resistance portion located proximate to the viewing aperture (hole for lens 40 and cavity 50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the secondary fuse link of Darr with Ogle for the benefit of a secondary fuse link having a high resistance portion for maximizing the current in the area visible by the lens, therefore insuring that the burn/break will be visible through the lens.

16. With respect to claim 22, Ogle teaches a tubular fuse body (2) having first and second ends (see Fig. 1) and an aperture for fuse state identification (12), the first and second end caps (3) coupled to said body, and a primary fuse element (4) electrically connected between said first and second end caps (see Fig. 3); a fuse indicator assembly comprising a secondary fuse link (5, 7) electrically connected between said first and second end caps (see Fig. 3), a combustible substance (9) adjacent said secondary fuse link, and a backing layer (portion of 2 forming bottom surface of recess 8) adjacent said secondary fuse link, said backing layer maintaining said secondary fuse link in position proximate said combustible substance for visible fuse state indication through said aperture of said fuse body by the presence or absence of said

combustible substance. Ogle fails to disclose a flexible backing layer coupled to an extension member. Darr teaches a fuse indicator assembly comprising an extension member (42), a secondary fuse link (58), and a flexible backing layer (46, column 3 lines 58-60 teach that the backing layer can be made from "thermoplastics, fiber board, or other materials known in the art", any of which can be flexible) coupled to said extension member and adjacent said secondary fuse link, said flexible backing layer maintaining said secondary fuse link in position proximate said aperture of said fuse body for visible fuse state indication. It would have been obvious to a person of ordinary skill in the art to combine the combustible type fuse state indicator of Ogle with the structure of the fuse state indicator of Darr to obtain a fuse state indicator with a combustible substance better indicating the fuse state and a indicator structure easily adaptable to multiple fuse shapes and sizes.

17. With respect to claim 25, Ogle teaches an aperture (12) where combustible substance (9) is positioned adjacent to said aperture and visible through said aperture. Ogle fails to disclose a transparent lens within the aperture. Darr teaches a transparent lens (40) located within an aperture (hole for lens 40 and cavity 50) for fuse state identification. It would have been obvious at the time of the invention to one skilled in the art to combine the lens viewing aperture of Darr with the fuse state indicator of Ogle as modified by Darr above for the benefit of a magnified fuse state indicator.

18. With respect to claim 26, Darr suggests that the fuse state indicator (12) disclosed could be used in other types of fuses, such as cylindrical cartridge fuses (column 1 lines 47-48, and column 2 lines 17-19, and 26-29). It would have been

obvious to a person of ordinary skill in the art at the time of the invention to curve and elongate the extension member for the benefit of a better integration in the cylindrical body fuse of Ogle.

19. With respect to claim 28, Ogle as modified by Darr, Darr teaches a secondary fuse link (58) comprising of a first resistance portion (70) and a second resistance portion (66), where the first resistance is greater than the second. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the secondary fuse link of Darr with Ogle for the benefit of a secondary fuse link having a high resistance portion for maximizing the current in the area visible by the lens, therefore insuring that the burn/break will be visible through the lens.

20. With respect to claim 11 and 17, Ogle fails to disclose that the combustible substance is nitrocellulose cotton. Selecting a known compound to meet known requirements has been held to be a matter of obvious design choice within the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use any known material, such as nitrocellulose cotton, as the indicating combustible substance.

21. With respect to claim 10, 18, and 27, Ogle as modified by Darr fails to disclose a backing layer comprising of electrical tape. It is well known in the art to use electrical tape to couple and/or insulate a conductor. Selecting a known compound to meet known requirements has been held to be a matter of obvious design choice within the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960) It would have been obvious to a person of ordinary skill in the art at the time of the invention to use

electrical tape as the backing layer to couple the secondary fuse link to the extension member.

22. With respect to claim 29, Ogle teaches a fuse including a primary fuse element (4) and an insulative body (2) having an aperture (12) for fuse state identification, the fuse state indicator comprising: a combustible substance (9) received within a cavity (8), a secondary fuse link (5, 7) extending across said cavity and adjacent to said combustible substance; and a backing layer (portion of 2 forming bottom surface of recess 8) closing said cavity over said combustible substance, wherein said secondary fuse link is positioned between said backing layer and said combustible substance, said backing layer at least partially concealed by said combustible substance when viewed through the aperture in insulative fuse body before the primary fuse element has opened, said backing layer maintaining said secondary fuse link in position with respect to said combustible substance (see Fig. 3, 4). Ogle fails to disclose an insulative extension member coupled to a flexible backing layer. Darr teaches a fuse including a primary fuse element (24) in an insulative body (14) and having an aperture (window for 40 in casing 14) there through for fuse state identification, the fuse state indicator comprising: an insulative extension member (column 3 lines 65-66 disclose that the recess 50 of extension member 42 insulates the lens 40) defining a cavity (50), a secondary fuse link (58) extending across said extension member and said cavity such that said secondary fuse link is positioned adjacent said combustible substance; and a flexible backing layer (46, column 3 lines 58-60 teach that the backing layer can be made from "thermoplastics, fiber board, or other materials known in the art", any of

which can be flexible) coupled to said extension member and closing said cavity, wherein said secondary fuse link is positioned between said backing layer and said cavity, said backing layer maintaining said secondary fuse link in position with respect to said combustible substance. It would have been obvious to a person of ordinary skill in the art to combine the combustible type fuse state indicator of Ogle with the structure of the fuse state indicator of Darr to obtain a fuse state indicator with a combustible substance better indicating the fuse state and a indicator structure easily adaptable to multiple fuse shapes and sizes.

23. Claims 2-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN/809,978) in view of Darr et al. (PN/6,373,370) as applied to claim 1 above, and further in view of J. Sachs (PN/737,280). With respect to claim 2 and 4, Ogle as modified by Darr and the teachings of Sachs where a conductive clip (ends of wire g) is used to electrically connect the secondary fuse element (g) of the fuse indicator (g coupled with 4 and a) with the end of the fuse body (a, see Fig. 3). With respect to claim 3, Sachs teaches an end cap (f) electrically connected to the conducting clip (g). It is notoriously well known and old in the art to use conductive clips to couple a fuse element to an end of the fuse body for electrical connection to the end cap. Therefore it would have been obvious to a person of ordinary skill in the art to use conductive clips to electrically connect the extension member or secondary fuse link to the end of the fuse body for the benefit of a simple parallel connection to the primary fuse element.
24. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN/809,978) in view of Darr et al. (PN/6,373,370) as applied to claim

12 above, and further in view of J. Sachs (PN/737,280). Ogle as modified by Darr and the teachings of Sachs where a first and second clip (both ends of wire g see Fig. 3) extend from the respective ends of the fuse body (a), and are electrically connected to first and second end caps (f, see Fig.3), the secondary fuse link (middle portion of g) extending between the clips (see Fig. 3). It is notoriously well known and old in the art to use conductive clips to couple a fuse element to an end of the fuse body for electrical connection to the end cap. Therefore it would have been obvious to a person of ordinary skill in the art to use conductive clips to electrically connect the extension member or secondary fuse link to the end of the fuse body for the benefit of a simple parallel connection to the primary fuse element.

25. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN 809,978) in view of Darr et al. (PN 6,373,370) as applied to claim 23 above, and further in view of J. Sachs (PN 737,280). Ogle as modified by Darr and the teachings of Sachs where a conductive first and second clip (both ends of wire g see Fig. 3) extend from respective ends of the extension member and electrically coupled to the secondary fuse link (middle portion of g) are engaging respective ends of the fuse body (a), electrically connecting them to respective end caps (f, see Fig. 3). It is notoriously well known and old in the art to use conductive clips to couple a fuse element to an end of the fuse body for electrical connection to the end cap. Therefore it would have been obvious to a person of ordinary skill in the art to use conductive clips to electrically connect the extension member or secondary fuse link to the end of the fuse body for the benefit of a simple parallel connection to the primary fuse element.

26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN 809,978) in view of Darr et al. (PN 6,373,370) as applied to claim 1 above, and further in view of Oh (PN/5,418,516). Oh teaches of a fuse wire (20) wrapped with a resistance wire (26). It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the wrapped fuse element of Oh with Ogle as modified by Darr for the benefit of a secondary fuse element with increased thermal output/response during overload conditions.

27. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN 809,978) in view of Darr et al. (PN 6,373,370) as applied to claim 12 above, and further in view of Oh (PN 5,418,516). Oh teaches of a fuse wire (20) wrapped with a resistance wire (26). It would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the wrapped fuse element of Oh with Ogle as modified by Darr for the benefit of a secondary fuse element with increased thermal output/response during overload conditions.

28. Claims 1, 8, 12, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over E. L. Ogle (PN 809,978) in view of Darr et al. (PN 6,373,370). With respect to claim 1 and 8, Ogle teaches a fuse state indicator for a cylindrical fuse body (2) with a primary fuse element (4), the indicator comprising: a window (12), a combustible substance (9) adjacent to the window, a secondary fuse link (5, 7) adjacent to combustible substance, and a curved backing layer (portion of 2 forming bottom surface of recess 8) adjacent to said secondary fuse link and at least partially concealed by said combustible substance when viewed through the window before the fuse has opened,

said backing layer maintaining said secondary fuse link in position with respect to said combustible substance (see Fig 3, 4). Ogle fails to disclose a transparent lens, an extension member, or a backing layer having contrasting colors. Darr teaches a fuse state indicator comprising of an extension member (42), a transparent lens (40), a combustible substance (58) adjacent to the lens, a secondary fuse link (72), and a backing layer (46); said backing layer at least partially concealed by said combustible substance when viewed through the lens before the fuse has opened, said backing layer maintaining said combustible substance in position with respect to the lens (see Fig. 2), where the backing layer and combustible substance have contrasting colors (column 3 lines 45-46). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the fuse state indicator for cylindrical cartridge fuses of Ogle with the fuse state indicator structure of Darr for the benefit of a reliable fuse state indicator adaptable to multiple fuse shapes and sizes.

29. With respect to claim 12 and 16, Ogle teaches a tubular fuse body (2) having a first and second end (see Fig. 1), an aperture for fuse state identification (12), first and second end caps (3) coupled to said body, and a primary fuse element (4) electrically connected between said first and second end caps (see Fig. 3); and a fuse indicator comprising a secondary fuse link (5, 7) electrically connected between said first and second end caps (see Fig. 3), a combustible substance (9) adjacent to said secondary fuse link, and a backing layer (portion of 2 forming bottom surface of recess 8) maintaining said secondary fuse link in position with respect to said combustible substance. Ogle fails to disclose a flexible backing layer coupled to an extension

member, and that said combustible substance and backing slayer have contrasting colors. Darr teaches a fuse indicator assembly comprising of a secondary fuse link (72), a combustible substance (58) adjacent said secondary fuse link, a flexible backing layer (46, column 3 lines 58-60 teach that the backing layer can be made from "thermoplastics, fiber board, or other materials known in the art", any of which can be flexible), and an extension member (42), where said extension member is coupled to said backing layer maintaining said secondary fuse link in position with respect to said combustible substance (see Fig. 2), where the backing layer and combustible substance have contrasting colors (column 3 lines 45-46). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the tubular fuse state indicator of Ogle with the fuse indicator structure of Darr for the benefit of a reliable combustible fuse state indicator for tubular fuses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmb


LYNN FELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800